

REMARKS

Claims 3-9 are pending in this application. By this Amendment, claims 3-9 are amended. These amendments introduce no new matter as they simply rewrite claims 3-9 in independent form including all of the features of the base claims and any intervening claims. Claims 1, 2, and 10-13 are canceled without prejudice to, or disclaimer of, the subject matter recited in those claims. Reconsideration of the application based on the above amendments and the following remarks is respectfully requested.

The Office Action in paragraph 1, indicates that claims 3-9 include allowable subject matter. Specifically, the Office Action states that claims 3-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Applicant appreciates this indication of allowability. The amendments to the claims indicated above and as explained below are undertaken with this indication of allowability in mind. Applicant amends the language of claim 1 as incorporated into claims 3-9 to change "a cushioning material consisting of ..." to "a cushioning material comprising" Applicant respectfully submits that this modification does not affect the patentability of the claims. Withdrawal of the objection to claims 3-9 is respectfully requested.

Applicant respectfully submits that although the Office Action, on page 3, indicates that claim 9 is allowable because the features of claim 9 are not found in the prior art of record, the features recited in claim 9 are misquoted. Specifically, claim 9 recites, among other features, the cushioning material comprises a plurality of transparent elastic members. Applicant respectfully requests that the Examiner acknowledge allowance of this feature in the next Patent Office communication regarding this application.

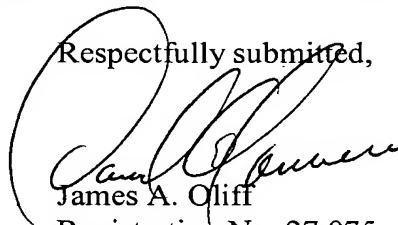
The Office Action, in paragraph 3, rejects claims 1, 2 and 10-13 under 35 U.S.C. §102(e) as being unpatentable over U.S. patent No. 6,456,279 to Kubo et al. The Office Action, in paragraph 4, rejects claims 10 and 11 under 35 U.S.C. §103(a) as being unpatentable over a

combination of Kubo and U.S. Patent No. 6,295,104 to Egawa et al. The Office Action, in paragraph 5, rejects claim 12 under 35 U.S.C. §103(a) as being unpatentable over a combination of Kubo and U.S. Patent No. 6,323,923 to Hoshino et al. The cancellation of claims 1, 2 and 10-13 render these rejections moot.

In view of the foregoing, Applicant respectfully submits that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the indicated allowable subject matter of claims 3-9 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Daniel A. Tanner, III
Registration No. 54,734

JAO:DAT/scg

Attachment:
Amendment Transmittal

Date: December 21, 2004

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

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